(33)

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.A. No. 932 of 2005

Appellants

1. Shabana Seikh, wife of Late Akhtar Seikh, aged about 31 years, resident of Santoshi Nagar, P.S. Tikrapara,Raipur, Tahsil and District – Raipur (Chhattisgarh), (wife of the deceased).
2. Ku. Jeenat Seikh, daughter of Late Akhtar Seikh, aged about 6 years, being minor through natural guardian mother Shabana Seikh, wife of Late Akhtar Seikh (First daughter of deceased).
3. Ku. Saira Seikh, daughter of late Akhtar Seikh, aged about 4 ½ years (minor), being minor through natural guardian mother Shabana Seikh, wife of Late Akhtar Seikh (second daughter of deceased).

Versus

Respondents

1. Shri Hare Ram Sao, son of L. L. Sao, aged 43 years, resident of 2/2-A, Mahendra Goswami Line, Calcutta-6 (West Bengal) (Driver of truck NO. W.B.O. 3-A/8403 at the time of accident 29.4.2000)
2. Prem Shanker Tiwari,Son of Shri ___, aged 38 years, resident of 14-A, Gangadhar babu Lane, Calcutta-700012(West Bengal), (owner of truck No. W.B.O. 3-A/8403 at the time of accident dated 29.4.2000).
3. The Oriental Insurance Company Ltd. Through the Branch Manager, City Branch No.2, 76 Raja S.C. Malic Road, Calcutta-700084 (West Bengal), (Policy No. 2000/2076 and cover note No. 84602, insurer of truck No. W.B.O. 3-A/8403 at the time of accident dated 29.4.2000)

DB: Hon'ble Shri Justice S. R. Nayak, C.J.
& Hon'ble Shri Justice Satish K. Agnihotri, J.

Mr. Pankaj Agarwal, Advocate, for the appellants.

Mr. Prashant Jayaswal, Senior Advocate with Shri Ali Asgar, Advocate for the Respondent No.3.

ORAL ORDER

(14th December 2005)

(34)

The following order of the Court was passed by **S. R. Nayak, C.J.**

Having heard learned counsel for the parties we would not find any justification for the M.A.C.T. not to award any compensation under the conventional head 'loss to the estate'. Further, we are of the considered opinion that what is awarded under the head 'loss of consortium' and 'loss of love and affection' is very much meager. In that view of the matter, we award sum of Rs. 20,000/- towards 'loss to the estate', Rs. 20,000/- towards 'loss of consortium' and Rs. 20,000/- towards 'loss of love and affection' to the minor children. The impugned award shall stand modified accordingly. In all other respects the impugned award shall remain unaltered. No costs.

Sd/-
Chief Justice

Sd/-
Satish K. Agnihotri
Judge

Thakur